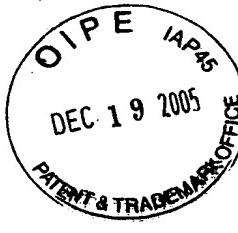


JFW
AFIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Ulrich UPMAYER
 Application No.: 09/914,773
 Filed: September 4, 2001
 For: SHELF STACKING MACHINE

Conf. No. 4160



Art Unit: 3652
 Examiner: T. BRAHAN
 Washington, D.C.
 Atty.'s Docket: UPMAYER=4
 Date: December 19, 2005

THE COMMISSIONER OF PATENTS
 Customer Service Window
 Randolph Building, Mail Stop AF
 401 Dulany Street
 Alexandria, VA 22314

Sir:

Transmitted herewith is a [XX] Amendment Under 37 C.F.R. §1.116 []

in the above-identified application.

[XX] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[XX] No additional fee is required.

[] The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT	(Col. 2)	(Col. 3) HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 14	MINUS	** 20	0
INDEP.	* 1	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

ADDITIONAL FEE TOTAL \$

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x 25	\$		x 50	\$
x 100	\$		x 200	\$
+ 180	\$		+ 360	\$
ADDITIONAL FEE TOTAL			TOTAL	

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- [] First - \$ 60.00
- [] Second - \$ 225.00
- [] Third - \$ 510.00
- [] Fourth - \$ 795.00

Month After Time Period Set

[] Less fees (\$_____) already paid for ____ month(s) extension of time on _____.

Other Than Small Entity

Response Filed Within

- [] First - \$ 120.00
- [] Second - \$ 450.00
- [] Third - \$ 1020.00
- [] Fourth - \$ 1590.00

Month After Time Period Set

[] Please charge my Deposit Account No. 02-4035 in the amount of \$_____.

[] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$_____.

[] A check in the amount of \$_____ is attached (check no.).

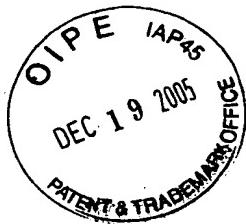
[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

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By: Jay M. Finkelstein
 Jay M. Finkelstein
 Registration No. 21,082



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: UPMEYER=4

In re Application of:) Art Unit: 3652
Ulrich UPMEYER)
Appln. No.: 09/914,773) Examiner: T. BRAHAN
Filed: September 4, 2001) Washington, D.C.
For: SHELF STACKING MACHINE) Confirmation No. 4160
) December 19, 2005
)

AMENDMENT UNDER 37 CFR §1.116

Honorable Commissioner for Patents
Customer Service Window
Randolph Building, Mail Stop AF
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Examiner's Action dated September 23, 2005, kindly amend the above-identified Application as follows:

Amendments to the specification appear on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Amendments to the drawings begin on page 8 of this paper and include an attached replacement sheet.

Remarks/Arguments begin on page 9 of this paper.

An **Appendix** containing amended Fig. 2 is attached following page 16 of this paper.